

11/26/80
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION



UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
THE SELMER COMPANY, L.P.,)
NORTH AMERICAN PHILIPS)
CORPORATION, MACMILLAN, INC.,)
)
Defendant.)

Civil No. S89-00348

DEFENDANT NORTH AMERICAN PHILIPS CORPORATION'S
AND THE SELMER COMPANY, L.P.'S FIRST DOCUMENT
REQUEST TO PLAINTIFF UNITED STATES OF AMERICA

Defendants North American Philips Corporation and the Selmer Company, L.P. ("Defendants") request that the plaintiff, United States of America ("United States") produce for inspection and copying the documents and things described below pursuant to Rule 34 of the Federal Rules of Civil Procedure. Please produce the documents requested within thirty (30) days after service of this document request at the offices of Sidley & Austin, One First National Plaza, Chicago, Illinois 60603 or at any other location mutually agreeable to the parties.

INSTRUCTIONS

A. Scope of Discovery (Location and Custody of Documents and Other Information). These Document Requests cover all information and documents in the possession, custody and control of the United States and each of its present or former

agencies, instrumentalities, officers, employees, agents, representatives, contractors, consultants, experts or attorneys.

B. Privilege As Applied to Document Production. If objection is made to producing any document, or any portion thereof, or to disclosing any information contained therein, in response to any document request on the basis of any claim of privilege, please state:

1. its date;
2. its author;
3. the nature of the document (e.g., interoffice memorandum, correspondence, report);
4. its title;
5. the name of each person to whom the original or a copy was shown or circulated;
6. the names appearing on any circulation list relating to the document;
7. the basis on which privilege is claimed; and
8. a summary statement of the subject matter of the document in sufficient detail to permit the Court to rule on the propriety of the objection.

DEFINITIONS

Unless otherwise indicated, words used in these discovery requests shall have the definitions set forth in

Section 101 of CERCLA, 42 U.S.C. §9601, or shall have the following definitions:

A. "Contractor" means any person who acts as agent for, or on behalf of, any other person, whether or not for consideration, and includes subcontractors.

B. "Document" means the complete original (or a complete copy when the original is not available) and any nonidentical copy (whether different from the original because of notes made on the copy, or for any other reason(s)) of any writing or record of any kind including, but not limited to, any tape recording or photograph, computer data in any form (whether tape, disc, printout or otherwise), microfilm, microfiche and any other written, recorded, or transcribed matter.

C. "The United States," "You," "Your," and "Plaintiff" mean the plaintiff in this action, and all persons described in Instruction A, above.

D. "The Defendants" means North American Philips Corporation and the Selmer Company, L.P.

E. "Person" means any natural person, corporation, partnership, governmental body, and any other entity that falls within the definition of a "person" in 42 U.S.C. §9601(21).

DOCUMENT REQUESTS

Please produce the following documents:

1. All documents relating or referring to or containing information concerning the United States' allegation that the Defendants released hazardous substances that caused resulted in the contamination of the residential water wells in the vicinity of the Selmer facility described in Paragraph 9 of the Complaint.

2. All documents describing, analyzing or relating to the groundwater movement, geology or hydrogeology under or within a one-mile radius of the Selmer facility and/or the residential water wells in the vicinity of the Selmer facility described in Paragraph 9 of the Complaint, including but not limited to any reports, studies, or analyses performed by any employee, agency, contractor or consultant of the United States, and all documents relating thereto.

3. All documents relating or referring to or containing information concerning any contaminants or hazardous substances found in the residential water wells in the vicinity of the Selmer facility described in Paragraph 9 of the Complaint, including the types of contaminants or hazardous substances, the volume of any such contaminants or hazardous substances, and the

toxicity, carcinogenic property or other properties of any such contaminants or hazardous substances.

4. All documents relating or referring to or containing information concerning the "elevated levels of volatile organic compounds" found in residential water wells in the vicinity of the Selmer facility as alleged in Paragraph 9 of the Complaint.

5. All documents relating or referring to or containing information concerning releases by any persons other than the Defendants of hazardous substances that have or may have caused the contamination alleged in the Complaint.

6. All documents relating or referring to or containing information concerning the imminent and substantial endangerment alleged in Paragraph 18 of the Complaint.

7. All documents relating to, supporting or reflecting any costs the United States has incurred with respect to any contamination alleged in the Complaint, including but not limited to any contracts, invoices, time sheets, cancelled checks and cost summaries, that have not previously been provided to the Defendants in response to Freedom of Information Act requests made by the Defendants.

8. All documents relating to any expected or planned future costs the United States expects to incur as alleged in Paragraphs 15 and 22 of the Complaint, including but not limited to any costs estimates, plans, bids, proposals, contracts or other documents relating to such work, and any proposed schedules or timetables for completing any such work.

9. All documents relating or referring to or describing the approximate volume released by the Defendants or any other person of any of the contaminants or hazardous substances found in the water wells described in Paragraph 9 of the Complaint.

10. All documents relating or referring to any samples taken of groundwater or soil on, under or within a two-mile radius of the Selmer facility, or any samples taken from the residential wells described in Paragraph 9 of the Complaint, including but not limited to the following:

- a. documents describing the location from which each such sample was taken;
- b. any protocols followed for taking or analyzing the samples;
- c. documents relating to laboratory Quality Analysis/Quality Control procedures followed in analyzing any such sample;

d. documents relating to the chain of custody of any such samples from the time the samples were taken until the time they were analyzed;

e. the results of all such analyses performed and any explanations or reports concerning any such results.

11. All documents describing the location, size, type, depth, and other physical characteristics of the "residential water wells in the vicinity of the Selmer facility" described in Paragraph 9 of the Complaint, including but not limited to any drawings, maps or other graphic or illustrative documents relating to these wells.

12. For each expert witness identified in response to Interrogatory No. 14 of the Defendants' First Set of Interrogatories to the United States, provide the following documents:

a. the current resume or curriculum vitae of each witness;

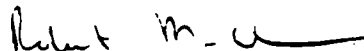
b. all documents that the witness reviewed, was given, or relies upon in forming the opinions he or she may give at trial;

c. all publications authored in whole or in part by the witness; and

d. all reports, letters, notes or other documents which the witness has prepared in connection with this case.

13. All documents identified, referred to in or used in any way in responding to the Defendants' First Set of Interrogatories to the United States.

Date: November 26, 1990



One of the Attorneys for North
American Philips Corporation
and the Selmer Company, L.P.

Robert M. Olian
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CERTIFICATE OF SERVICE

I hereby certify that on November 26, 1990, a copy of
the foregoing was served by U.S. Mail upon the following:

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